S

3 SINGLE BENCH

CF 1007

IN THE HIGH COURT OF JUDICATURE BILASPUR

W.P. No. 5182/2006

(S)

PETITIONER : Smt. Snageeta Dhiri, W/o Shri Daya Shankar Dhiri, Aged about 42 years, R/o Bazaar Para, Distt. Bilaspur (C.G.)

P.R. No. S 2251/06
Presented by Sh. N Nafa Ray
19/9/06

VERSUS

RESPONDENTS : 1. State of Chhattisgarh, through Secretary Schedule Caste & Schedule Tribe Welfare Department, D K S Bhawan, Mantralaya Raipur, Distt. - Raipur (C.G.).

2. The Commissioner, Schedule Caste & Schedule Tribe Welfare Department, Raipur (C.G.).

3. Block Education Officer, Kota, Distt. Bilaspur (C.G.)

RE-TYPED-COPY
19/9/06
H. C. G. BILASPUR

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.5182 OF 2006

Petitioner : Smt. Snageeta Dhiri

versus

Respondents : State of Chhattisgarh and others

Present : Mr. P.S.Koshy, counsel for the petitioner.
Mrs. Anju Ahuja, Deputy Government Advocate for the respondents/State.

ORDER
(Passed on 3rd of October, 2006)

Learned counsel appearing for the petitioner submits that the petitioner was working as Superintendent in the Pre-Matric Girls Hostel, Kota, District Bilaspur. By order dated 7-7-2006 (Annexure P-1), service of the petitioner was transferred to Pre-Matric Girls Hostel, Pandariya, District Kawardha.

2. Being aggrieved, the petitioner filed a writ petition being Writ Petition No.4289 of 2006 (*Smt. Snageeta Dhiri vs. State of Chhattisgarh and others*). This Court, by order dated 14-8-2006 (Annexure P-3), permitted the petitioner to make a detailed representation before the competent authorities for decision in accordance with law. In the meantime, the impugned transfer order remained stayed till the representation was decided.

3. The State Government, by order dated 5-9-2006 (Annexure P-4), decided the representation of the petitioner in accordance with law, as under :-

> "4.1 अभ्यावेदिका प्रश्नाधीन स्थानांतरण के पूर्व भी अपने पति के पदस्थ स्थान पर कार्यरत नहीं थी, उसके पति बिलासपुर में कार्यरत है जबकि वह कोटा में कार्यरत थी. अतः पंडरिया में स्थानांतरित करने से पति के पदस्थापना स्थान से अन्यत्र स्थानांतरित किए जाने की बात तर्क संगत नहीं है.
>
> 4.2 अभ्यावेदिका का स्थानांतरण प्रशासनिक आधार पर किया गया है अतः अभ्यावेदिका का यह कथन कि उसकी सीनियरिटी पर असर पड़ेगा, नियम संगत नहीं है. प्रशासनिक स्थानांतरण होने पर स्थानांतरित जिले में उसकी वरिष्ठता सेवा में उससे कनिष्ठ संवर्गीय कर्मचारी से ऊपर होगी.
>
> 4.3 उसके छोटे–छोटे बच्चों के जहाँ तक अध्ययन का प्रश्न है, स्थानांतरित स्थान पर यह सुविधा उपलब्ध है."

4. The petitioner has filed this petition impugning the order dated 5-9-2006 (Annexure P-4), whereby the representation of the petitioner was rejected.

5. I have heard learned counsel for the parties and perused the petition and records appended thereto. It is evident that all the grounds raised by the petitioner were considered and the State Government has passed a detailed order. There is no other infirmity

raised by the petitioner in the impugned transfer order dated 7-7-2006 (Annexure P-1), which can be interfered with by this Court. Thus, the transfer order being passed in administrative exigency appears to be just and proper. There is no other ground like *mala fide*, non-competence of the transferring officer and contrary to statutory rules.

6. Thus, this petition is devoid of merit. As a result, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal